

Chief Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD GARCIA,

Defendant.

NO. CRO3-0125RSL

ORDER CONTINUING TRIAL DATE

The Court, having reviewed the records and files herein and considered the stipulation of the parties, enters the following order:

1. Due to the age of the case, the parties are in need of additional time to locate witnesses, review the evidence, and follow up on investigative leads.

2. Two of the Government's witnesses are unavailable at the scheduled trial. One of the witnesses is an essential witness.

3. Both counsel have preplanned vacations which interfere with their ability to adequately prepare this matter for trial.

2. The Defendant has no objection to the continuance and will file a waiver of speedy trial August 24, 2005.

3. The ends of justice outweigh the best interest of the public and the Defendant in a speedy trial. That failure to grant a continuance based upon the circumstances would result in a miscarriage of justice in that both Government and


1 defense counsel would not have adequate time to prepare the matter for trial. The
2 continuance provides each counsel a reasonable amount of time necessary for effective
3 preparation, taking into account the exercise of diligence. The continuance also allows
4 for continuity of counsel for the Defendant.

5 4. The parties have requested and stipulated to a continuance.

6 IT IS HEREBY ORDERED that the trial date is continued from September 12,
7 2005 to November 7, 2005.

8 IT IS FURTHER ORDERED that pursuant to Title 18, United States Code,
9 Section 3161(h), the period of time from the date of this order to the new trial date is
10 excluded in the computation of time under the Speedy Trial Act.

11 DONE this 29th day of August, 2005.

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13 
14 Robert S. Lasnik
15 United States District Judge

16 Presented by:

17 s/Bruce F. Miyake
18 BRUCE F. MIYAKE
19 Assistant United States Attorney

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21 s/Robert W. Goldsmith/Per telephonic approval
22 ROBERT W. GOLDSMITH
23 Attorney for Edward Garcia
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